

Attorney Docket No. 056645-5014-US

#11
Petravick
WJD
ABAND
7/23/04
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

COLENS

Serial No.: 10/009,327

Group Art Unit: 3671

Filed: December 4, 2001

Examiner: Petravick

Title: IMPROVEMENTS TO A
CUTTING ATTACHMENT

VIA FACSIMILE

PETITION FOR REVIVAL OF APPLICATION;
REQUEST FOR COPY OF ACTION AND
RESETTING OF TIMES FOR RESPONSE

Commissioner of Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

The applicant, through the undersigned, petitions for revival of this application. The applicant also requests that he be provided with a copy of Action which was not responded to and resulted in abandonment, together with a resetting of the time for response.

In a telephone conversation with the Examiner on January 20th, the undersigned was advised by the Examiner that the application was abandoned by failure to respond to an Office Action dated June 17, 2003. This was a complete surprise to the undersigned as he has no record of receiving any such Action. However, in talking further with the Examiner, it developed that the Action was sent to Horst Kasper, in Warren, New Jersey, the attorney originally named in this case rather than to the undersigned who has been designated to receive further correspondence in the "Revocation of Power of Attorney and Power of Attorney Not Accompanying Application" filed on February 21, 2003. A copy of the above-noted Revocation and Power is attached together with a copy of the receipt postcard date stamped February 21, 2003 as received from the PTO.

BEST AVAILABLE COPY

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It is understood from the Examiner that she received the undersigned's response of April 21, 2003 and presumably Submission of Proposed Drawing Change dated April 23, 2003. However, if copies of either of these papers is needed, with date-stamped receipt post cards, those can be provided.

It is noted that the telephone conversation with the Examiner was initiated by the undersigned for the purpose of obtaining a copy of information disclosure statement (PTO-1449) referred to as attached to the Office Action of April 23, 2003 but not included therewith in the undersigned's copy of the Action. The Examiner on September 23, 2003 had earlier provided the undersigned with a copy of the reference list which was also not included in the undersigned's copy of the April 23, 2003 Action. There was no indication at the time that there was an outstanding Action awaiting response.

There was no intention to abandon this application and it is evident that the abandonment resulted through no fault of the applicant. Accordingly, it is requested that this petition to revive the application be granted. Furthermore, the applicant requests that he be provided with a copy of the Action requiring response with a resetting of the time for response.

No fee is thought to be necessary in the circumstances. However, if a fee is required, please charge to Deposit Account No. 50-0310 (our ref. 056645-5014).

Respectfully submitted,

MORGAN LEWIS & BOCKIUS LLP

By 
Paul N. Kokulis
Reg. No. 16773

Date: January 22, 2004

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